THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 15186 of 2007

Date:17-07-2007

Between:

Akkireddi Somanarsaiah and 42 others. **.. PETITIONERS**

AND

The Project Officer, ITDA, Bhadrachalam and three others

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RESPONDENTS

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in trying to evict the petitioners herein from the lands admeasuring Ac.50.34 guntas situate in Sy.Nos.4, 9, 10, 11, 23, 27, 28, 39, 40, 41, 45, 52, 85, 86, 87 and 107 of Samithi Mothe village, Pinapaka mandal, Khammam District, as illegal and arbitrary.

It is the case of the petitioners that they have been granted eksal lease from 01.07.1977 to 30.06.1978 vide proceedings Rc.No.A5/934/77, dated 16.07.1977 by the then Tahsildar, Manuguru and thereafter they have not been evicted and they are continuing the cultivation by paying the land revenue. It is stated that some tribals filed W.P.No.15996 of 1996 complaining about the illegal possession of the
non-tribals of the land in question which is situated in the scheduled area and the said writ petition was disposed of directing the Mandal Revenue Officer, Pinapaka, Khammam District and the Revenue Divisional Officer, Palancha, Khammam district to conduct enquiry in the matter and if the land, which is in possession of non-tribals viz. Akkireddy Soma Narsaiah and Ellu Somaiah, the petitioners 1 and 2 herein, is not other than the land assigned to the petitioners, take appropriate action in accordance with law. Thereafter, the Project Officer, Integrated Tribal Development Agency, Bhadrachalam requested the Revenue

Divisional Officer, Palancha to take immediate action as per the aforesaid order of this Court and accordingly, the Revenue Divisional Officer, Palancha vide his letter dated 27.11.2006 requested the Mandal Revenue Officer, Pinapaka to conduct enquiry and dispose of the case taking appropriate action and to report compliance.

Pursuant to the said letter, the Tahsildar Manugur issued notice, dated 07.05.2007 stating that the petitioners are in illegal possession contrary to the provisions of A.P. Assigned (Transfer of Prohibition) Lands Act, 1977. It is stated that pursuant to the said notice, dated 07.05.2007 the petitioners made a joint reply statement, dated 29.06.2007. It is stated that even before the reply is considered and enquiry is completed and without passing any final orders, the petitioners are sought to be dispossessed from the said lands in question.

I am of the opinion that when a notice has been received and if any reply has been filed, it is for the

4th respondent to consider and dispose of the same. But, even before passing the final orders of the eviction, it may not be just and proper to evict the petitioners from the land in question without following due process of law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the

4th respondent not to evict the petitioners from the land in question without following the due process of law and to complete the enquiry as directed by this Court earlier pursuant to the notice issued for which the explanation was already submitted by the petitioners. No costs.

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V.ESWARAIAH, J.

Date:17.07.2007

Note:
Furnish C.C. within three days.

B/o
ccm